



PECO NUCLEAR

A Unit of PECO Energy

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10 CFR 2.201

February 10, 1997

Docket Nos. 50-352
50-353

License Nos. NPF-39
NPF-85

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

SUBJECT: Limerick Generating Station, Units 1 and 2
Reply to a Notice of Violation
NRC Integrated Inspection Report Nos. 50-352/96-09 and
50-353/96-09

Attached is the PECO Energy Company reply to a Notice of Violation for Limerick Generating Station, Units 1 and 2, that was contained in your letter dated January 9, 1997. The violation concerned the failure to provide the NRC with complete information prior to the NRC's approval of the disposal of slightly contaminated material in the 10CFR20.2002 disposal area. The attachment to this letter provides a restatement of the violation followed by our reply.

If you have any questions or require additional information, please contact us.

Very truly yours,

GHS
Attachment

cc: H. J. Miller, Administrator, Region I, USNRC
N. S. Perry, USNRC Senior Resident Inspector, LGS

w/attachment
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Reply to a Notice of Violation

Restatement of the Violation

During an NRC inspection conducted during the period October 22 - December 16, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (60 FR 34381; June 30, 1995), the violation is listed below:

10 CFR 50.9 (a) requires that information provided to the Commission by an applicant or a licensee shall be complete and accurate in all material respects.

10 CFR 20.2002 specifies methods for obtaining approval of proposed radioactive material disposal procedures and specifies that a licensee may apply to the NRC for approval of proposed procedures, not otherwise authorized in the regulations. 10 CFR 20.2002 further specifies that the application shall include a description of the proposed manner and conditions of waste disposal, and an analysis and evaluation of pertinent information on the nature of the environment.

Contrary to the above, when on April 6, 1995, the licensee provided an application to the NRC, pursuant to 10 CFR 20.2002, for approval of proposed procedures to dispose of slightly contaminated flowable solids by spreading the material at a specific location on the owner-controlled property, the description of the proposed manner and conditions of waste disposal was not complete or accurate. Specifically, the PECO Energy proposal failed to describe that the material would be deposited on an existing 40,000 square foot (4-foot thick) concrete storage pad. Further, the information provided in the application, relative to onsite and offsite dose analyses, did not consider the presence of the concrete slab and did not demonstrate that the dose analyses provided in the application bounded those doses potentially attributable to the presence of the slab. The licensee received NRC approval for the proposed procedure, based on the incomplete information, on July 10, 1996, and as of October 29, 1996, had disposed of about 8,000 cubic feet of the material at the location. This inaccuracy was material, in that, the presence of the concrete storage pad, when identified, required further technical review by the NRC staff to determine if any new consequence was introduced.

This is a Severity Level IV violation (Supplement VII).

RESPONSE

Admission of the Violation

PECO Energy acknowledges the violation.

Reason for the Violation

Previous industry applications based on earlier 10 CFR 20 requirements, i.e., "Methods for Obtaining Approval of Proposed Disposal Procedure," concentrated on describing the maximum dose to members of the public and assuring that the maximum dose was far below regulatory limits. 10 CFR 20.2002 (b) was interpreted to require that all pertinent information supporting the analysis and evaluation which determined maximum dose to the public be included in the application. The analysis and calculation supporting PECO Energy's April 1995 10 CFR 20.2002 application did not take credit for the concrete slab as a barrier to dose since its presence, based on engineering judgment, was considered to minimize doses. Therefore, we determined that including specific information about the concrete slab in the application was not pertinent to the NRC's review and approval of the application.

Corrective Actions Taken and Results Achieved

On January 3, 1997, the Plant Manager was notified by telephone of the NRC's decision to issue a violation concerning the requirements of 10 CFR 50.9. Immediately following this notification, the Plant Manager issued a voice mail message to PECO Nuclear management and LGS Directors outlining the basis for the violation and reinforcing the requirement to provide complete and accurate information to the NRC.

On February 8, 1997, a memorandum was issued to the appropriate supervision at LGS and PECO Nuclear Headquarters, outlining the basis for the violation and reinforcing the requirement to provide complete and accurate information to the NRC in accordance with 10 CFR 50.9. This memorandum was issued for discussion with the members of their work groups.

The calculation supporting the original 10 CFR 20.2002 application was revised to reflect onsite and offsite dose assessments based on the presence of the concrete slab. The revised calculation confirmed that the original analysis bounded any negative impact the concrete slab may have on all evaluated doses, and that the judgment not to consider the slab in the original analysis was conservative. This supplemental information was provided to the NRC by letter dated December 2, 1996.

Attachment

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Corrective Actions to Avoid Future Noncompliance

Procedure LR-C-11, "Control of Interfaces with the Nuclear Regulatory Commission," establishes general requirements for the control of interfaces between PECO Energy and the NRC, including written responses to NRC generic communications. In addition, Guideline LR-CG-4, "Generic Guidelines for Preparation and Submittal of Correspondence to the NRC," provides generic instructions for preparation and submittal of correspondence to the NRC. Both the procedure and the guideline will be revised by April 10, 1997, to reinforce the requirements of 10 CFR 50.9.

In addition, a Training Bulletin will be distributed to the appropriate individuals at LGS, Peach Bottom Atomic Power Station, and the PECO Nuclear Headquarters who provide written information to the NRC. This bulletin will reference the revised procedure and guideline, and will heighten the awareness of those preparing correspondence to the NRC in the following ways. First, the bulletin will describe the situation surrounding the 10 CFR 20.2002 application and the basis for the violation. Second, the bulletin will reinforce the requirement to provide complete and accurate information so that the NRC can independently reach similar conclusions, as appropriate. Third, the bulletin will indicate that information provided to the NRC should include not only information required by any associated regulations or regulatory requirements, but also information such as engineering judgments or assumptions used to support the development of the conclusions. This bulletin will be issued by April 24, 1997.

Date When Full Compliance was Achieved

Full compliance was achieved on December 2, 1996, when the NRC was provided with the additional information required to make the 10 CFR 20.2002 submittal complete.